



Chapter 1

GENERAL PROVISIONS

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Chapter 1

GENERAL PROVISIONS

Sec. 1-1. How Code designated and cited.

The ordinances embraced in this and the following chapters and sections shall constitute and be designated the "Code of Ordinances, City of Temple, Texas" and may be so cited.

Sec. 1-2. Catchlines of sections.

The catchlines of the several sections of this Code printed in boldface type are intended as mere catchwords to indicate the contents of the section and shall not be deemed or taken to be titles of such sections, nor as any part of the section, nor, unless expressly so provided, shall they be so deemed when any of such sections, including the catchlines, are amended or reenacted.

Sec. 1-3. Rules of construction and definitions.

In the construction of this Code, and of all ordinances and resolutions passed by the city council, the following rules shall be observed and the following definitions shall apply, unless such construction would be inconsistent with the manifest intent of the city council:

Generally. The provisions of this Code shall be liberally construed to effect the purposes expressed therein or implied from the expressions thereof. In case of doubt or ambiguity in the meaning of such provisions, the general shall yield to the particular. Reference for interpretation and construction shall tend to further the accomplishment of the elimination of the particular mischiefs for which the provisions were enacted. Words shall be construed in their common and usual significance unless the contrary is clearly indicated.

Board of Commissioners. The words "board", "city board" or "board of commission" shall mean the board of commissioners of the City of Temple, constituting the governing body of the city.

City. The words "the city" or "this city" shall mean the City of Temple, in the County of Bell and State of Texas.

City officers and departments. Whenever reference is made to an officer or a department, the same shall be construed as if followed by the words "of the City of Temple, Texas".

Computation of time. In computing any period of time mentioned in the provisions of this Code, the date of the act, event or default after which the designated period of time begins to run is not to be included, and the last day of the period so computed is to be included, unless it is a Sunday or a legal holiday, in which event the period runs until the end of the next day which is neither a Sunday nor a holiday.

County. The term "county" or "this county" shall mean the County of Bell, Texas.

Gender. A word importing the masculine gender only shall extend and be applied to females and to firms, partnerships, associations and corporations, as well as to males.

Highway. The term "highway" shall include any street, alley, highway, avenue or public place or square, bridge, viaduct, tunnel, underpass, overpass and causeway in the city, dedicated or devoted to public use.

Joint authority. Words purporting to give authority to three (3) or more officers or other persons shall be construed as giving such authority to a majority of such officers or other persons, unless it is otherwise declared.

Month. The word "month" shall mean a calendar month.

Number. Any word importing the singular number shall include the plural and any word importing the plural number shall include the singular.

Oath. The word "oath" shall be construed to include an affirmation in all cases in which, by law, an affirmation may be substituted for an oath, and in such cases the words "swear" and "sworn" shall be equivalent to the words "affirm" and "affirmed".

Or, and. "Or" may be read "and", and "and" may be read "or", if the sense requires it.

Owner. The word "owner", applied to a building or land, shall include any part owner, joint owner, tenant in common, tenant in partnership, joint tenant or tenant by the entirety, or the whole or of a part of such building or land.

Person. The word "person" shall extend and be applied to associations, corporations, firms, partnerships and bodies politic and corporate as well as to individuals. Where criminal prosecution may lie, the officers of any corporation shall jointly and severally be subject to prosecution as being included within the term "person".

Preceding, following. The words "preceding" and "following" mean next before and next after, respectively.

Roadway. The word "roadway" shall mean that portion of a street improved, designed or ordinarily used for vehicular traffic.

Sidewalk. The word "sidewalk" shall mean any portion of the street between the curb, or the lateral line of the roadway and the adjacent property line, intended for the use of pedestrians.

Signature or subscription. The words "signature" or "subscription" shall include a mark when a person cannot write.

Standard time. All hours of time mentioned in this Code refer to and shall be determined by Central Standard Time, as commonly known, except that, if at any future time any

different standard of time is established by the United States for an area which includes this city, all such hours shall be determined by such officially proclaimed standard, so long as the same remains in effect.

State. The words "the state" or "this state" shall be construed to mean the State of Texas.

Street. The term "street" shall include any highway, alley, street, avenue or public place or square, bridge, viaduct, underpass, overpass, tunnel and causeway in the city, dedicated or devoted to public use.

Tense. Words used in the past or present tense include the future as well as the past and present.

Written or in writing. The words "written" or "in writing" shall be construed to include any representation of words, letters or figures, whether by printing or otherwise.

Year. The word "year" shall mean a calendar year.

Sec. 1-4. Amendments or additions to Code.

All ordinances passed subsequent to this Code which amend, repeal or in any way affect this Code may be numbered in accordance with the numbering system of this Code and printed for inclusion therein. When subsequent ordinances repeal any chapter, section or subsection or any portion thereof, such repealed portions may be excluded from the Code by omission from reprinted pages. The subsequent ordinances as numbered and printed, or omitted in the case of repeal, shall be prima facie evidence of such subsequent ordinances until such time that this Code and subsequent ordinances numbered or omitted are re-adopted as a new Code by the city council.

Amendments to any of the provisions of this Code shall be made by amending such provisions by specific reference to the section number of this Code in the following language:

"That section _____ of the Code of Ordinances, City of Temple, Texas, is hereby amended to read as follows: . . .". The new section shall then be set out in full as desired.

In the event a new section not heretofore existing in the Code is to be added, the following language shall be used "That the Code of Ordinances, City of Temple, Texas, is hereby amended by adding a section, to be numbered _____, which said section reads as follows: . . .". The new section shall then be set out in full as desired.

Sec. 1-5. Voting districts set out.

The city shall be divided into four (4) districts, such districts to be known as Councilmember District 1, Councilmember District 2, Councilmember District 3 and Councilmember District 4. One councilmember shall be elected from each of the four (4) districts and one councilmember shall be elected from the city at large. Such districts shall comprise the council districts in conformity with the Charter of the City of Temple.

The boundaries of each councilmember district shall be described in a text description and on a map, attached as Exhibit "A," and maintained in the City Secretary's Office.

Sec. 1-6. Polling Places.

The location of each polling place in the City shall be as determined by resolution of the City Council from time to time.

Sec. 1-7, Sec. 1-8. Reserved.

Sec. 1-9. General penalty; continuing violations; culpable mental state not required.

(a) Whenever in this Code or in any ordinance of the city an act is prohibited, is made or declared to be unlawful or an offense or a misdemeanor, or whenever in such Code or ordinance the doing of any act is required or the failure to do any act is declared to be unlawful, and no specific penalty is provided therefore, the violation of any such provision of this Code or any such ordinance shall be punished by a fine not exceeding five hundred (\$500.00) dollars; provided, however, that the following specific Code provisions shall be punished by a fine of not exceeding two thousand (\$2,000.00) dollars on such offenses:

<i>Entire chapters:</i>	5, 6, 7, 8, 10, 12, 14, 15, 16, 17, 20, 21, 23, 29, 30, 31, 34, Appendix A to "Zoning Ordinance"
<i>Entire articles:</i>	Chapter 38, Articles I, V, VI
<i>Individual sections:</i>	3-25, 3-29, 3-31, 3-49, 4-4, 22-2, 22-3, 22-5, 22-6, 22-8, 22-9, 22-10, 32-3, 32-4

Each day of any violation of this Code or of any ordinance shall constitute a separate offense. Provided that no penalty under this section shall be greater or less than the penalty provided for the same or a similar offense under the laws of the State of Texas.

(b) Furthermore, a culpable mental state is not required for the commission of any offense under this Code or of any ordinance of the city, unless the provision defining the conduct expressly required a culpable mental state, otherwise the requirement of a culpable mental state is expressly dispensed with for purposes of constituting, alleging, or proving a violation of a provision of this Code or other city ordinance.

Sec. 1-10. Severability of parts of Code.

It is hereby declared to be the intention of the city council that the sections, paragraphs, sentences, clauses and phrases of this Code are severable and, if any phrase, clause, sentence, paragraph or section of this Code shall be declared unconstitutional by the valid judgment or decree of any court of competent jurisdiction, such unconstitutionality shall not affect any of the remaining phrases, clauses, sentences, paragraphs and sections of the Code, since the same would have been enacted by the board without the incorporation in this Code of any such unconstitutional phrase, clause, sentence, paragraph or section.

Sec. 1-11. Standard of care for emergency action.

Every officer, agent or employee of the city and every officer, agent or employee of an authorized provider of emergency services, including, but not limited to, every unit of government or subdivision thereof, while responding to emergency calls or reacting to emergency situations, regardless of whether any declaration of emergency has been declared or proclaimed by a unit of government or subdivision thereof, is hereby authorized to act or not to act in such a manner to effectively deal with the emergency. Any action or inaction is "effective" if it in any way contributes or can reasonably be thought to contribute to preserving any lives or property. This section shall prevail over every other ordinance of the city and, to the extent to which the city has the authority to so authorize, over any other law establishing a standard of care in conflict with this section. Neither the city nor the employee, agent or officer thereof, or other unit of government or subdivision thereof or its employees, agents or officers, shall be liable for the failure to use ordinary care in such emergency. It is the intent of the city council, by passing this ordinance, to assure effective action in emergency situations by those entrusted with the responsibility of saving lives and property by protecting such governmental units from liability, and their employees, agents and officers from nonintentional tort liability to the fullest extent permitted by statutory and constitutional law. This section shall be liberally construed to carry out the intent of the city council.

Sec. 1-12. Interference with Code Enforcement.

(a) A person commits an offense if he by words or physical actions prevents a code enforcement officer of the city or his authorized representative from performing a duty or exercising authority imposed or granted by law.

(b) The police department shall assist a code enforcement officer or his authorized representative in executing his duties relating to violations of the law, codes and ordinances of this city, including, but not limited to, Chapter 37, Article V, "Junked Motor Vehicles;" Chapter 16, Article IV, "Neighborhood Nuisances;" Chapter 6, "Animals and Fowl;" Chapter 21, "Minimum Housing Standards;" and Ordinance No. 91-2101, the "Zoning Ordinance," and all its amendments.